

First Office Action Response for COLLISION AVOIDANCE SYSTEM (Reissue) Serial # 09/892,185 GAU 3661
 Examiner Eric M. Gibson Applicant: Brett O. Hall 4206 Lazy Creek Dr. Marietta, GA 30066 770 517-5991

c) a controller responsive to the status of said traffic [c mmand signal] contr l
m ans, wherein said at least one selected vehicle restrictor is actuated by
 communication from said controller to impede the passage of said vehicle s.

REMARKS

Reconsideration of the present application is respectfully requested in light of the above amendments to the application and the following remarks.

First Office Action Items 1; Certificate of Correction

A Certificate of Correction was submitted with the application on 6/26/01. A copy is enclosed.

First Office Action Items 2, 3, & 4; Oath / Declaration

The applicant mistakenly omitted Page 2 of the Declaration from the original submittal. This was corrected on August 16, 2001 in response to a missing parts letter. A copy of the two-page Declaration and a copy of the cover letter correcting the omission are enclosed.

First Office Action Items 5 & 6; Claim Rejection – 35 USC 102

The LaGambina invention is not so broad as to claim responsiveness to any traffic control means. He limits his invention to fog related hazards. Thus the integration of a traffic control means which is not triggered by a foggy environmental condition is outside the scope of LaGambina. The LaGambina invention does not teach responsiveness to traffic controls that have the purpose of coordinating the movement of intersecting or merging of vehicles, pedestrians, and trains.

The applicant's use of a traffic control means in claim 23 also has the structure to prevent collisions due to moving violations or preventing the improper presence of a vehicle within the traffic environment. LaGambina does not suggest such an invention structure.

First Office Action Item 7; Claim Rejection – 35 USC 251

Regarding claim 23, the applicant respectfully requests reconsideration that, "A broadening aspect is present in the reissue which was not present in the application for patent." The following are examples that the content of claim 23 was sufficiently represented in the application for patent.

The application for patent clearly states that the invention reinforces and responds to a traffic control means (column 2, lines 32-37; column 7, lines 16-20; column 12, lines 43-45). Further examples of responses to a traffic contr l means include it m 40a in Fig. 3, Fig. 4, Fig. 6, Fig.

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7 and Fig. 10 (time of day dictates proper direction of the bi-directional lane). In association with these figures, the specification clearly describes an invention that supports claim 23.

Claim 1, element c) mentions that the system takes action based on the traffic laws. Obviously the invention requires some means to interpret and respond to the traffic laws for the traffic environment in which it is operating. Such means is often provided by the status of the traffic control signals / devices. Since the status of traffic control signals / devices represents the traffic laws, claim 1 further substantiates the validity of claim 23.

First Office Action Items 7 & 8; Claim Rejection – 35 USC 251

Regarding claim 23, the applicant respectfully requests reconsideration that, "The record of the application for patent shows a broadening aspect (in the reissue) relates to subject matter that applicant previously surrendered during the prosecution of the application." The prosecution of this invention is the first for the pro se applicant. As such, it was never the intent of the applicant in the previous prosecution to surrender any patentable content. Indeed the applicant believes that no such surrender has taken place. Invoking the language that the system "... determines the likelihood of a collision..." was primarily presented to give the original claims (submitted Jan. 6, 2000) sufficient structure since the first office action stated the claims were indefinite and vague. Overcoming the teaching of Welford and Ceseri was addressed by the fact that there was no suggestion (singularly or in combination) in those inventions that were in conflict with the applicant's invention.

First Office Action Items 8; Claim Rejection – 35 USC 251

The applicant respectfully requests reconsideration that "*Proposed claim 23 does not at least contain the subject matter considered to be allowable in the original application.*" Claim 23 is proposed to contain the subject matter relating to collision prevention, as allowed in the original application for the following reasons:

- Collision prevention is **not** possible by acting contrary to or out of synchronization with traffic control means that have the purpose to coordinate safe traffic movement. Therefore, any system to prevent collisions must act in concert with (i.e. **be responsive to**) the status of such traffic control means.
- The invention structure for collision prevention includes processing an input that may indicate the presence of a pedestrian, train, or second vehicle that might collide with a first vehicle. The status of a traffic control means provides said input because while it is permissive to the movement of one vehicle it is restrictive to the movement of another vehicle that must not proceed (according to traffic laws) if a collision is to be prevented.

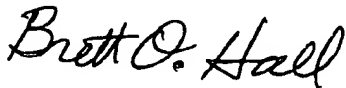
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Therefore for the system to be responsive to the status of a traffic control means per claim 23 is consistent with collision prevention.

- As previously stated, all references in the application that the invention reinforces the traffic laws means that the invention responds to the traffic control means that represent those laws.
- The invention teaches that the interpretation of and response to a traffic control means governs whether a vehicle's presence, speed, position is inappropriate and thus has increased the likelihood of a collision. In other words, the status of the traffic control means provides the reference for assessing the vehicle parameters of claim 2 toward executing claim 1c.

The enclosed amendments and remarks are believed to overcome the Examiner's rejections and to put the application in condition for allowance. The applicant respectfully requests acceptance of claim 23. If there are questions or suggestions that will put this application in line for allowance please contact the applicant as indicated below.

Respectfully Submitted,



Brett O. Hall
4206 Lazy Creek Drive
Marietta, GA 30066
770-517-5991